

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE DISTRICT OF SOUTH CAROLINA

Gary C. Mayfield,)	Civil Action No.: 2:14-14-BHH
)	
Plaintiff,)	
)	
vs.)	
)	
Dr. Neville; Nurse Fulton; Warden)	ORDER AND OPINION
Bush; Dr. Moore; Dr. Tomarchio; Sgt.)	
Jenkins; Counselor Breon,)	
)	
Defendants.)	
)	

Plaintiff Gary C. Mayfield (“Plaintiff”) is an inmate at Lee Correctional Institution (“LCI”) in Bishopville, South Carolina. On January 2, 2014, Plaintiff proceeding *pro se*, filed this civil rights action pursuant to 42 U.S.C. § 1983 alleging violations of his constitutional rights. (ECF No. 1.) Plaintiff also filed a Motion for a Preliminary Injunction on January 2, 2014. (ECF No. 3.) Defendants oppose Plaintiff’s Motion for a Preliminary Injunction. (ECF No. 45.)

In accordance with 28 U.S.C. § 636(b)(1) and Local Civil Rule 73.02 D.S.C., this matter was referred to United States Magistrate Judge Wallace W. Dixon for pretrial handling. On August 14, 2014, Magistrate Judge Dixon issued a Report and Recommendation recommending that the court deny Plaintiff’s motion for a Preliminary Injunction. (ECF No. 48.) The Magistrate Judge concluded that Plaintiff had not properly shown all four *Winter*¹ factors needed to grant his motion.

The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight. The responsibility to make a final

¹*Winter v. Natural Resources Defense Council, Inc.*, 555 U.S. 7, 129 S.Ct. 364, 172 L.Ed.2d 249 (2008)

determination remains with this court. See *Mathews v. Weber*, 423 U.S. 261, 270-71 (1976). The court may accept, reject, or modify, in whole or in part, the findings or recommendations made by the Magistrate Judge. 28 U.S.C. § 636(b)(1). The court may also receive further evidence or recommit the matter to the Magistrate Judge with instructions. *Id.* The court is charged with making a *de novo* determination of those portions of the Report and Recommendation to which specific objections are made. On August 14, 2014, Plaintiff was advised of his right to file objections to the Report and Recommendation. (ECF No. 48 at 5). However, he has not done so. In the absence of a timely filed objection, a district court need not conduct a *de novo* review, but instead must "only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation." *Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005).

After a careful review of the record, the applicable law, and the Report and Recommendation, the court finds the Magistrate Judge's recommendation to be proper. Accordingly, the Report and Recommendation is approved and incorporated herein by reference. Plaintiff's motion for a Preliminary Injunction (ECF No. 3) is DENIED.

IT IS SO ORDERED.

/s/Bruce Howe Hendricks
United States District Judge

September 12, 2014
Greenville, South Carolina